

REMARKS

In view of the following remarks and amendments, applicants ask for reconsideration and allowance. Claims 1-3, 5-9, 11-15, 17-21, 23, 24 and 29-40 are currently pending, of which claims 1, 7, 13 and 19 are independent. Claims 4, 10, 16, 22 and 25-28 have been cancelled, claims 29-32 have been withdrawn, claims 1, 7, 13 and 19 have been amended, and claims 37-40 have been added. Support for the amendments can be found at least at page 14, line 22 to page 17, line 21 of the specification, and FIGS. 3A-3E, for example. The new claims recite features that were removed from their respective base claims. No new matter has been presented.

Claim Rejections - 35 USC § 103

Claims 1-3, 5, 6, 13-15, 17-21, 23, 24, 33, 35 and 36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Arai (U.S. Patent Publication No. 2002/0009538) in view of Aoshima (Japanese Patent Publication No. 2000/223269) and Knauss (U.S. Patent No. 6,090,207). Applicants request reconsideration and withdrawal of the rejection because neither Arai, Aoshima, Knauss, nor any proper combination of the three, discloses or properly suggests that “at least one of the first, second and third evaporation sources includes a first container and a second container,” and that “at least one of the first container and the second container comprises an inclined guide portion having an opening,” as recited in claims 1 and 19, that “at least one of the first container and the second container comprises an inclined guide portion having an elliptical opening,” as recited in claim 13, or that “an angle of the inclined guide portion is adjusted to mix materials evaporated from the first and second containers,” as recited in claim 19.

Arai describes manufacturing a light-emitting device by forming a thin film by filling a small molecular organic electroluminescence material into an evaporation cell, and heating the material in an inert gas atmosphere to form a light emitting layer on a substrate (Arai: Abstract). With respect to Fig. 1, Arai discloses a gasification evaporation device that has a “control means 104 for moving the sample stage 103 in the horizontal direction, [and] control means 106 for opening and closing the shutter” (Arai: paragraphs 39, 41). With respect to Fig. 3, Arai discloses

a structure of the evaporation chamber (A) 506 that allows the evaporation sources to be switched according to the kind of organic materials to be deposited (Arai: paragraph 51). In particular, a preparatory chamber 508, which stores multiple kinds of evaporation cells, is connected to the evaporation chamber (A) 506 so that its interior transferring mechanism can replace an evaporation cell in 506 with an evaporation cell in 508 (Arai: paragraph 52). Arai also teaches that one or both of the substrate and the evaporation cell are moved during the evaporation (Arai: paragraph 27). Arai describes using evaporation cells 109a-c (which are referred to as evaporation sources in the Office Action), but fails to provide any description regarding the shape or other features of the openings in the evaporation cells 109a-c (Arai: paragraph [0040], FIG. 1).

Further, applicants submit that Aoshima, which is cited as showing features of the means adapted to move the first, second, and third evaporation sources (at Figs. 1-2, paragraph 20), does not cure this deficiency. Also, Knauss, which is cited as showing features for the movement of a substrate and/or deposition sources during a deposition for the purpose of forming a film, also fails to provide any description regarding the shape or other features of the openings in the evaporation sources.

The Office asserts that with respect to the shape of the openings in the evaporation sources, as recited in claims 1, 13 and 19, that courts have held that selections of shape are a matter of choice which a person of ordinary skill in the art will find obvious absent persuasive evidence that the particular configuration of the claimed shape was significant (Office Action: page 3, item #4). For this assertion, the Office relies upon *In Re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1996) (MPEP 2144.04). However, in *Dailey*, the court stated that “[a]ppellants have presented no argument which convinces us that the particular configuration of their container is significant or is anything more than one of numerous configurations a person of ordinary skill in the art would find obvious” (357 F.2d at 672-73, 149 USPQ at 50). In regards to *In Re Dailey*, the Board of Patent Appeals and Interferences stated in *Ex parte TED EUGENE WRIGHT* that if the claims rely upon a criticality of the shape or a requirement of the shape then the selection of the shape is not obvious (*Ex parte TED EUGENE WRIGHT*, Appeal No. 2006-

0003, Application 09/499,069, April 6, 2006). Accordingly, arguments are being presented in this reply to show the significance of the shape of the openings in the evaporation sources.

Each of claims 1, 13 and 19 recites that an evaporation source has a container with an inclined guide portion having an opening. With the inclined guide portion, an evaporation center can be adjusted without changing the attachment angle of the evaporation source and without inclining the heater of the evaporation source. Moreover, by adopting this container, in the case in which co-evaporation is performed using two containers, a space between the containers can be narrower compared to the case where the attachment angle of the evaporation source is changed (*see e.g.*, Specification: page 14, line 22 to page 17, line 21).

Claim 13 further recites that the opening is an elliptical opening. With the elliptical opening, a uniform evaporation area can be widened. Thus, the containers are suitable for performing evaporation uniformly while fixing a large area substrate (*see e.g.*, Specification: page 17, lines 22-25).

Thus, the significance of the inclined guide portions and the shape of the openings in the evaporation sources has been described, and these features of claims 1, 13 and 19 are not an obvious matter of choice for a person of ordinary skill in the art. Furthermore, neither Arai, Aoshima, Knauss, nor any proper combination of the three, describes or suggests these features. For at least these reasons, the rejection of independent claims 1, 13 and 19, and dependent claims 2, 3, 5, 6, 14, 15, 17, 18, 20, 21, 23, 24, 33 and 35-36, should be withdrawn.

Claims 7-9, 11-12 and 34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Arai, Aoshima, Knauss and Konuma (U.S. Patent Publication No. 2002/0030443). Applicants respectfully submit that neither Arai, Aoshima, Knauss, Konuma, nor any proper combination of the four, discloses or properly suggests that "at least one of the first, second and third evaporation sources includes a first container and a second container," and that "at least one of the first container and the second container comprises an inclined guide portion having an opening," as recited in independent claim 7.

The Office Action states that because Arai, Aoshima and Knauss "fail to disclose the apparatus comprising an aligning means that aligns a mask and a substrate" Konuma (at

paragraphs 46, 47) can be used in combination with Ari, Aoshima and Knauss to remedy this deficiency. Even if one were to assume for the sake of argument that Konuma taught this feature, Konuma does not remedy the failure of Arai, Aoshima and Knauss to describe or suggest the above-recited features of independent claim 7. Konuma is silent with respect to these recited features. Therefore, applicants submit that neither Arai, Aoshima, Knauss, Konuma, nor any proper combination of the four, describes or suggests at least these features.

For at least these reasons, applicants request reconsideration and withdrawal of the rejection of independent claim 7, and its dependent claims 8, 9, 11, 12 and 34.

Applicants submit that all claims are in condition for allowance

Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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The fee in the amount of \$208 in payment of the additional claims fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

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